

FORM SUMMARY

Name of Form: Order on Positive Adjustment Time

Form Number: CR-268

Statutory Reference: §§302.113(2) and 304.06(1), Wisconsin Statutes

Benchbook Reference:

Purpose of Form: To issue an order relating to the inmate's sentence modification due to positive adjustment time notification received from Department of Corrections (DOC) or the Earned Release Review Commission (ERRC).

Who Completes It: Court

Distribution of Form: Original to court; copies to DOC/ERRC, inmate, district attorney and defense attorney, if any.

Accompanying Forms: None

New Form/Modification: New form

Modifications:

Comments: When the inmate is within 90 days of release to extended supervision, DOC or ERRC must notify the sentencing court that it intends to modify the inmate's sentence and release the inmate to extended supervision. If the court decides to hold a review hearing, the court must schedule the hearing with 30 days after notification. The court must hold the hearing and issue an order relating to the inmate's sentence modification within 60 days of notification. The court may accept DOC's or ERRC's determination that the inmate has earned positive adjustment time, or order the inmate to remain in prison for a period of time that does not exceed the time remaining on the inmate's term of confinement. If the court does not schedule a hearing, or if the court accepts DOC's or ERRC's determination at the hearing, DOC or ERRC must release the inmate to extended supervision.

When inmates are released to extended supervision based on positive adjustment time, the term of extended supervision is increased so that the total length of the bifurcated sentence does not change. The Department has indicated that they would only adjust sentences based on offender conduct occurring after October 1, 2009.

About this Form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.